

Introduced by: Mayor
Date: 3/03/92
Hearing: 4/07/92
Carried over to: 4/21/92
Action: Enacted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 92-17**

**AN ORDINANCE APPROPRIATING \$18,000 TO SATISFY THE JUDGMENT
FOR ATTORNEYS FEES AND COSTS IN THE TOWN & COUNTRY
NOXIOUS USE APPEAL**

WHEREAS, on September 24, 1990, following public hearing, the KPB Planning Commission granted Town & Country, Inc., an exception permit under KPB 21.12 allowing for operation of a septage waste facility subject to specific conditions; and

WHEREAS, following public hearing on October 30 and November 8, 1990, the Kenai Peninsula Borough Assembly, sitting as Board of Adjustment, reversed the Planning Commission's grant of exception and denied the Town & Country application for permit under KPB 21.12; and

WHEREAS, these decisions were appealed to the Superior Court by Town & Country, Inc., which appeal resulted in a judgment dated October 9, 1991, which reversed the decision of the Board of Adjustment and remanded the case to the Planning Commission for further proceedings; and

WHEREAS, as the prevailing party on appeal, Appellant Town & Country, Inc., was awarded costs and attorneys fees by the Superior Court in the amount of \$17,781.72 which accrues interest at the rate of 10.5% from the date of judgment; and

WHEREAS, it is necessary to appropriate funds from the general fund to cover payment of this judgment;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Mayor is authorized to make payment to Town & Country, Inc., of the judgment for costs and attorneys fees in the amount of \$17,781.72 plus interest at the rate of 10.5% from date of judgment.


Section 2. That the amount of \$18,000 shall hereby be appropriated from the general fund balance into Account No. 100-113010-43033 for payment of this judgment.

Section 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
21st DAY OF APRIL, 1992.**


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk